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Attorneys for Plaintiff
TERESA JUNKERSFELD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERESA JUNKERSFELD, an individual
on behalf of herself and others similarly
situated,

Plaintiff,

v.

PER DIEM STAFFING SYSTEMS, INC.;
and DOES 1 to 10 inclusive,

Defendants.

Case No. 4:18-cv-07795-KAW

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: January 6, 2022

Time: 1:30 p.m.

Location: Oakland Courthouse

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

**TO THE COURT, DEFENDANT PER DIEM STAFFING SYSTEMS, INC.,
AND ITS COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT on January 6, 2022 at 1:30 p.m. in the United States District Court for the Northern District of California, located at 1301 Clay Street, Oakland, CA 94612, the Honorable Kandis A. Westmore, presiding, Plaintiff Teresa Junkersfeld (“Plaintiff”) will and hereby does move for entry of an Order:

1. Preliminarily approving the terms of the Joint Stipulation and Settlement Agreement (“Settlement”) with Defendant Per Diem Staffing Systems, Inc. (“Defendant”), which is submitted concurrently herewith as Exhibit 2 to the Compendium of Evidence, as fair, reasonable, and adequate;

2. Conditionally certifying the following proposed class for purposes of the Settlement only:

All non-exempt hourly healthcare professionals employed by Defendant in California at any time between December 28, 2014 and July 1, 2021 who worked California overtime (i.e., over 8 hours per day) in any workweek during this period and received a housing allowance and/or a per diem allowance;

3. Conditionally certifying the following proposed Fair Labor Standards Act (“FLSA”) collective for purposes of the Settlement only:

All non-exempt hourly healthcare professionals employed by Defendant in California at any time between December 28, 2015 and July 1, 2021 who worked FLSA overtime hours (i.e., over 40 hours) in any workweek during this period and received a housing allowance and/or a per diem allowance;

4. Appointing Plaintiff as representative of the Settlement class and collective;

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NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

- 1 5. Appointing Hayes Pawlenko LLP as counsel for the Settlement class and
2 collective;
- 3 6. Approving the manner and content of the notice of Settlement, which is
4 submitted concurrently herewith as Exhibit 4 to the Compendium of
5 Evidence, as constituting the best notice practicable under the circumstances
6 and in compliance with the requirements of due process;
- 7 7. Appointing CPT Group, Inc. as the settlement administrator, preliminarily
8 approving settlement administration costs of up to \$15,000, and directing the
9 settlement administrator to disseminate notice in accordance with the
10 Settlement; and
- 11 8. Scheduling a final fairness hearing on the question of whether the proposed
12 Settlement should be finally approved.

13 The motion is unopposed by Defendant and will be based on this Notice, the
14 Memorandum of Points & Authorities filed concurrently herewith, the Compendium
15 of Evidence filed concurrently herewith, the records on file in this action, and any
16 additional arguments or evidence presented to the Court in advance of the hearing.
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18 DATED: November 30, 2021

HAYES PAWLENKO LLP

20 By: /s/Kye D. Pawlenko
21 Attorneys for Plaintiff